

1 THE HONORABLE JOHN C. COUGHENOUR  
2  
3  
4  
5  
6

7 UNITED STATES DISTRICT COURT  
8 WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 CLAYTON EDWARD DANEKER,

11 Plaintiff,

v.

12 NANCY A. BERRYHILL, Deputy  
13 Commissioner of Social Security Operations,

14 Defendant.

CASE NO. C18-5148-JCC

ORDER

15 This matter comes before the Court on Plaintiff's unopposed motion for attorney fees  
16 (Dkt. No. 22). Pursuant to 42 U.S.C. § 406(b)(1):

17 Whenever a court renders a judgment favorable to a claimant under this subchapter  
18 who was represented before the court by an attorney, the court may determine and  
19 allow as part of its judgment a reasonable fee for such representation, not in excess  
of 25 percent of the total of the past-due benefits.

20 42 U.S.C. § 406(b)(1). In determining whether to grant a § 406(b) fee request, a court must first  
21 ensure that the requested fee is consistent with the contract between the plaintiff and their  
22 attorney. *See Crawford v. Astrue*, 586 F.3d 1142, 1148 (9th Cir. 2009) (citing *Gisbrecht v.*  
23 *Barnhart*, 535 U.S. 789, 808–09 (2002)). The court must then test the requested fee for  
24 reasonableness. *Id.* (citing *Gisbrecht*, 535 U.S. at 808). A court has broad discretion to decide if a  
25 fee request is reasonable or to adjust a fee downward if the request is unreasonable. *See*  
26 *Gisbrecht*, 535 U.S. at 808.

1 Plaintiff agreed to pay his attorney 25 percent of his past-due benefits if his Social  
2 Security appeal was successful. (Dkt. No. 22-2 at 2.) Plaintiff's appeal was successful, and he  
3 received an award of past-due benefits. (*Id.* at 4–8.) The Court previously awarded Plaintiff's  
4 attorney \$8,000 pursuant to the Equal Access to Justice Act ("EAJA"), 28 U.S.C. § 2412. (*See*  
5 Dkt. No. 21 at 1.) In accordance with the fee agreement between Plaintiff and his attorney,  
6 Plaintiff asks the Court to authorize a fee of \$14,702.00 be paid to his attorney, minus what was  
7 previously awarded pursuant to the EAJA. (Dkt. No. 22 at 3.) The Court finds that the total fee  
8 requested is reasonable given the amount of time Plaintiff's attorney spent litigating this case.  
9 (*See* Dkt. No. 22-2 at 24–25.) The Commissioner does not oppose the request or the amount of  
10 fees. (*See* Dkt. No. 24 at 1.)

11 For the forgoing reasons, Plaintiff's motion for attorney fees (Dkt. No. 22) is  
12 GRANTED. The Court hereby ORDERS that Plaintiff's attorney is AWARDED attorney fees in  
13 the amount of \$14,702.00 pursuant to 42 U.S.C. § 406(b), less the \$8,000 awarded pursuant to  
14 the EAJA, resulting in a net award of \$6,702.00.

15 DATED this 11th day of February 2020.

16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26



---

John C. Coughenour  
UNITED STATES DISTRICT JUDGE